

## Article 2 – Zoning Map

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### 25.02.01 – Zoning Map

The location and boundaries of zones established in the City are as shown on a map adopted on \_\_\_\_\_ and entitled *Zoning Map of the City of Rockville* as may be amended subsequent to its adoption. The maps, sections, notations, dimensions, designations, references and other data shown on the map are hereby made a part of this Chapter to the same extent as if the information set forth on the map were fully described and incorporated herein.

### 25.02.02 – Boundaries of Zones

Where uncertainty exists as to the boundaries of any of the zones as shown on the zoning map, the following rules apply:

- a. Where zone boundaries are indicated as approximately following street or alley lines, proposed street lines or railroad rights-of-way, the zoning boundaries are the centerline of those streets, alleys, or rights-of-way;
- b. Where zone boundaries are indicated as approximately following lot lines and are not more than ten (10) feet distant from the property lines of an unplatted property, such lot lines are the boundaries;
- c. Where zoning boundaries are greater than ten (10) feet distant from the property lines of an unplatted property, or where a zone boundary divides an unplatted property, the location of any such zoning boundary is determined by use of the map scale shown on the map to the nearest foot, unless the boundary is indicated by dimensions on the map.

### 25.02.03 – Properties Divided Between the City and County

Where a record lot is located partially within the City and partially outside the City, the following provisions apply:

- a. *Application Filed* – Any person desiring to improve a record lot in accordance with this Section, must submit an application to the City Clerk in accordance with the requirements of 25.05.02. As part of its obligation, the applicant must:
  1. Identify those uses which it intends to implement within the City; and
  2. Provide a certification, in a form which is acceptable to the City Attorney, that the uses so requested are permissible as set forth in this Section.

- b. *Establishment of Hearing and Public Notification* – Upon acceptance for filing an application under this Section, the City Clerk must:
  - 1. Set the application for a hearing by the Mayor and Council at a specified date, time and place, and
  - 2. Cause public notice of the hearing to be given in accordance with the requirements of State law.
- c. *Planning Commission Review*
  - 1. Within five (5) days after accepting the filing of any application under this Section, the City Clerk must transmit a copy of the application to the Planning Commission.
  - 2. The Planning Commission may submit a written recommendation, which must be incorporated in the application file, and which becomes part of the record of the application.
- d. *Hearing* – Mayor and Council will then hold a hearing on the matter in accordance with State law.
- e. *Determination of Permitted Use* – In addition to any uses permitted under this Chapter, an owner of a record lot located both in and outside the corporate limits of the City and which was originally improved in accordance with the zoning laws of the County, may be authorized to implement some or all of such uses as permitted in the County on the portion of the lot located within the City. The Mayor and Council must find that these existing or allowed uses originally approved by the County do not:
  - 1. Adversely affect the health and safety of residents or workers in the area;
  - 2. Overburden existing public services, including water, sanitary sewer, public roads, storm drainage, and other public improvements;
  - 3. Detrimentially affect the use and development of adjacent properties or the neighborhood;
  - 4. Change the character of the neighborhood in which the use is proposed considering service currently required, population density, character, and the number of similar land uses; or
  - 5. Create a use that is inconsistent with the purposes of this Chapter set forth in Section 25.01.02.

- f. *Decision* – An application must be granted by ordinance or denied, dismissed, or allowed to be withdrawn by resolution of the Mayor and Council. In connection with the grant of an application the Mayor and Council may impose such terms, conditions, and restrictions upon the grant of any application that are reasonably necessary to protect adjacent properties, the neighborhood, and the residents and workers therein.
- g. *Notice of Decision* – Notice of the decision of the Mayor and Council must be given as provided in Section 25.05.06.

#### **25.02.04 - Zoning of Annexed Land**

- a. *Application Filed* – When a petition to enlarge the corporate boundaries of the City is submitted to the Mayor and Council in accordance with the requirements of State law, the City Clerk must transmit a copy to the Chief of Planning.
- b. *Chief of Planning Review* – The Chief of Planning will review the application for conformance with annexation and land use policies of the Plan. The Chief of Planning will then transmit a copy of the petition to the Planning Commission.
- c. *Preliminary Report*
  - 1. The Planning Commission will study the area proposed to be annexed and prepare a preliminary report recommending the zoning classification or classifications of such property that would be appropriate if it were to be annexed.
  - 2. The City Clerk must then send a copy of the preliminary report to the applicable state, county, and regional agencies required by law.
- d. *Planning Commission Public Hearing and Notice* – The Planning Commission must:
  - 1. Hold at least one (1) public hearing on the preliminary report, in accordance with the provisions of Section 25.04.02.e.2. and in accordance with the requirements of State law; and
  - 2. Provide at least 15 days' notice of the time and place of the hearing to be published in a paper of general circulation in the City.
  - 3. Provide written notice in accordance with the provisions of Section 25.05.03.

- e. *Final Report* – Following such hearing, the Planning Commission shall submit its final report to the Mayor and Council.
- f. *Mayor and Council Public Hearing and Notice*
  - 1. The Mayor and Council must hold a public hearing on the recommendation and report of the Planning Commission in accordance with State law simultaneously with its hearing on the proposed annexation.
  - 2. Public notice of the Mayor and Council’s hearing on the final report must be given in accordance with the requirements of State law.
- g. *Amendment of Zoning Map* – The Mayor and Council may adopt an ordinance amending the zoning map to include such property and the zoning classification or classifications thereof, but only after the adoption of a resolution enlarging the corporate boundaries of the City to include such property. Such ordinance is effective the same date the annexation becomes effective under State law.